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Message Text

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62-60
ORIGIN L-02

INFO OCT-01 SS-14 ISO-00 AF-04 SSO-00 RSC-01 /022 R

DRAFTED BY L/AF:BKHUFFMAN:LMS
APPROVED BY AF/S:WPONEILL
AF/EX:WBRADFORD(SUBS)
L/M/SCA:HFSHAMWELL(SUBS)
AF/S:HKAISER
---------- 056842
O 062342Z DEC 73
FM SECSTATE WASHDC
TO AMEMBASSY PRETORIA IMMEDIATE
AMCONSUL JOHANNESBURG

C O N F I D E N T I A L STATE 239560

LIMDIS

E.O. 11652: GDS
TAGS: CPRS
SUBJ: INCIDENT INVOLVING SON OF U.S. DIPLOMAT

REF: JOHANNESBURG 1103

1. ASSERTION PARA 2 REFTEL THAT MURCHISON HAS DIPLOMATIC STATUS RAISES QUESTION WHETHER HIS SON MAY HAVE IMMUNITY FROM SA CRIMINAL JURISDICTION AS DEPENDENT OF DIPLOMATIC OFFICER. HOWEVER, SOMEWHAT DATED COPY OF SA DIPLOMATIC LIST IN DEPARTMENT DOES NOT CONTAIN MURCHISON'S NAME.

2. STATUS WOULD DEPEND UPON WHETHER MURCHISON WAS FORMALLY NOTIFIED TO, AND RECOGNIZED BY SAG AS DIPLOMATIC OFFICER. FACT HE MIGHT CARRY DIPLOMATIC PASSPORT AND BE FOREIGN SERVICE RESERVE OFFICER WOULD NOT BE RELEVANT. UNDER INTERNATIONAL LAW AS REFLECTED IN VIENNA CONVEN-TION ON DIPLOMATIC RELATIONS (USG IS PARTY, SAG IS NOT) DIPLOMATIC OFFICER AND HIS FAMILY WOULD BE IMMUNE FROM ALL SA CRIMINAL JURISDICTION IN ABSENCE OF WAIVER BY USG. IF MURCHISON HAS CONSULAR OFFICER STATUS, HIS
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DEPENDENTS WOULD NOT ENJOY ANY IMMUNITY UNLESS SA LAW

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EXPANDS CONSULAR IMMUNITY BEYOND THAT PROVIDED BY
INTERNATIONAL LAW (AS REFLECTED IN VIENNA CONVENTION

ON CONSULAR RELATIONS, - USG PARTY, SAG IS NOT).

3. REQUEST FACTS SUPPORTING ASSERTION MURCHISON
HAS DIPLOMATIC STATUS. WE WOULD ALSO WELCOME ANY
FURTHER EMBASSY/CONGEN ASSESSMENT OF CASE, E.G.
EVIDENCE DEVELOPED TO DATE, PRESS COVERAGE, AWARE-
NESS ON PART DFA.

4. IF IT CLEAR SAG HAS RECOGNIZED MURCHISON'S STATUS
AS DIPLOMATIC OFFICER, CONGEN PENDING FURTHER INSTRUC-
TIONS FROM DEPARTMENT SHOULD RESIST FURTHER SAG REQUESTS
TO INTERROGATE SON UNTIL DEPARTMENT HAS HAD OPPORTUNITY
TO REVIEW ALL FACTS OF CASE AND CONSIDER POSSIBLE
SAG REQUEST FOR WAIVER OF IMMUNITY.

5. IF MURCHISON NOT RECOGNIZED TO HAVE DIPLOMATIC
STATUS BY SAG, CONGEN SHOULD CONTINUE EFFORTS ENLIST
ASSISTANCE OF LAW ENFORCEMENT AUTHORITIES TO
MINIMIZE PUBLICITY IN EFFORT AVOID UNFORTUNATE POLITICAL
REPERCUSSIONS. KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
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Control Number: n/a
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Draft Date: 06 DEC 1973
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
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Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
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Disposition Remarks:
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TAGS: CPRS, (MURCHISON)
To: PRETORIA JOHANNESBURG
Type: TE
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